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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,826	12/02/2003	John B. Amundson	H0005444-9950 (1161.11401)	3578
128	7590	06/24/2009	EXAMINER	
HONEYWELL INTERNATIONAL INC. PATENT SERVICES 101 COLUMBIA ROAD P O BOX 2245 MORRISTOWN, NJ 07962-2245			KASENGE, CHARLES R	
			ART UNIT	PAPER NUMBER
			2121	
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			06/24/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No. 10/725,826	Applicant(s) AMUNDSON ET AL.	
Examiner CHARLES R. KASENGE	Art Unit 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 April 2009.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-40, 42 and 43 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-12 is/are allowed.
- 6) Claim(s) 13-40, 42 and 43 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 December 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks, filed 4/16/09, with respect to the rejection(s) of claim(s) 1, 13, 25, 39 and 40 under 35 U.S.C. 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of 35 U.S.C. 112 2nd ¶. Regarding claim 13-24, 42 and 43, the arguments were not persuasive.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 25-40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claims 25, 39 and 40, the phrases "any desired order" or "user-controlled order" are not defined by the specification, making the scope of what is meant by the phrases unclear. Is the order an arrangement (layout) or a sequence? To overcome this rejection, the Applicant needs to clearly state what is meant by these terms and where the support for these terms is found in the original disclosure.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 13-24, 42 and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Rosen et al. U.S. Patent 7,156,318.

6. Regarding claims 13 and 42, Rosen discloses a method of accessing and programming a schedule on a controller equipped with a user interface, wherein the schedule has two or more programmable schedule parameters (heater and ac setpoint), the method comprising the steps of: initiating a scheduling routine within the controller, the scheduling routine including a schedule review mode separate from an editing mode (Fig. 6 and 7); manually initiating the schedule review mode within the controller, wherein while in the schedule review mode, a user is not permitted to make changes via the user interface to at least some of the schedule parameters (Fig. 6; col. 7, lines 45-67); while in the schedule review mode, allowing the user to directly access and view any particular schedule parameter (heater and ac setpoint) via the user interface without first having to wait for other schedule parameters to be automatically sequentially displayed on the user interface (Fig. 6-7; col. 7, lines 45-67); manually initiating the editing mode within the controller (col. 8, lines 1-8); modifying at least one schedule parameter in the schedule (col. 8, lines 1-8); and exiting the editing mode (Fig. 9).

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Regarding claim 14, Rosen discloses the method of claim 2, wherein the step of initiating the schedule review mode occurs prior to the step of initiating the editing mode (Fig. 6 and 7).

Regarding claims 15-16, Rosen discloses the method of claim 1, wherein said schedule includes at least two time periods, with one or more schedule parameters corresponding to each of the at least two time period, at least one of the time periods corresponding to a wake period, a leave period, a return period, or a sleep period (col. 5, lines 52-56). Rosen discloses the method of claim 1, wherein said one or more schedule parameters is selected from the group consisting of an event time parameter, a heat set point parameter, a cool set point parameter, a fan mode parameter, and a humidity level parameter (col. 8, lines 1-8).

Regarding claims 17-19, Rosen discloses the method of claim 1, wherein the user interface comprises a touch screen (col. 8, lines 1-8), display panel and keypad (Fig. 6), and a menu-driven interface (Fig. 6). Regarding claims 20-23, Rosen discloses the method of claim 1, wherein said schedule is a heating, cooling, or venting schedule (Fig. 6), and the controller is a HVAC controller (Fig. 8).

Regarding claim 24, Rosen discloses the method of claim 13, wherein said one or more schedule parameters are unmodifiable in the schedule review mode (Fig. 6).

Regarding claims 43 and 42, Rosen discloses a programmable controller for use in controlling a system, the controller comprising: a user interface including two or more user inputs (Fig. 6; wherein the mechanism for turning the power on is an input and the touchscreen is a plurality of inputs); and a processor configured to run a scheduling routine for viewing and modifying a schedule, the scheduling routine including a schedule review mode (Fig. 6; col. 7, lines 45-67) and a separate editing mode (Fig. 7; col. 8, lines 1-8); wherein the schedule review

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mode is configured such that selecting a first user input results in **one** or more first schedule parameters to be displayed via the user interface (Fig. 6-7, when the screen is touched a air conditioner setpoint is displayed), and selecting a second user input results in **one** or more second schedule parameters to be displayed via the user interface (Fig. 6-7, when the screen is touched a air conditioner setpoint is displayed); and wherein when in the schedule review mode, a user is permitted to manually select and view **one** or more schedule parameters of interest but is not permitted to modify the selected and viewed schedule parameter(s) (Fig. 6; col. 7, lines 45-67).

Allowable Subject Matter

7. Claims 1-12 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES R. KASENGE whose telephone number is (571)272-3743. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on 571 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CK

June 20, 2009

/Charles R Kasenge/
Examiner, Art Unit 2121